



Adoption



What is adoption?

Adoption is the judicial procedure by which a child born to one set of parents becomes the legal child of another parent or couple. The natural parent or parents who are giving up the child lose all of their parental rights and obligations related to the child, and the adoptive parent or parents assume all of those rights and obligations. The legal result is that the child ceases to be the legal obligation of the natural parents and becomes the responsibility of the adoptive parents. In most states, the only right that remains is the right of the child to inherit from the natural parent or parents.

What's the process for adoption?

In general, the process involves filing in court a petition for adoption that will terminate the natural parent(s)' rights and grant those rights to the adopting parents. These petitions require the consent of the natural parent(s) and proof of the adopting parents' suitability to adopt.

But there are many intricacies that vary depending on who's being adopted and where they come from. If you mean to adopt an orphan from a foreign country, for instance, you'll need to follow that foreign country's adoption law in addition to U.S. adoption law, comply with an international treaty, and all the while ensure that you properly immigrate the adopted child to the U.S. If you're adopting a foreign step-child, the process is similar but you might be able to immigrate the child into the U.S. prior to adoption. In any event, because of how complicated the international adoption process can be, we recommend that you hire an attorney or an agency to help you.

What if the natural parent or parents won't give consent?

Lack of consent is a serious obstacle. Courts will usually not terminate someone's parental rights without his/her consent, except under limited circumstances, such as abandonment or failure to pay support for more than one year. The burden is on the adoptive parents to show that the best interest of the children requires terminating someone's parental rights. Notably, most jurisdictions allow the natural parent to withdraw his or her consent up to a few days after it had been given (but not after the final adoption decree has been issued).

How does adoption affect everyone's legal rights?

After the final adoption decree, the natural parents lose all their legal rights and obligations toward the child, including child-support obligations. While the natural parent or parents are not entitled to inherit from the child, most states protect the child's rights to inherit from the natural parent or parents. For all other legal purposes, the child is considered to be the child of the adoptive parents, just as if the child had been born to the adoptive parents.

How much will it cost for an adoption?

The cost varies from state to state and increases with the difficulty of pursuing the adoption. The least expensive adoption is the one in which all parties consent to the adoption. If you keep receipts for all expenses, though, as military personnel you may be reimbursed up to \$2000 of adoption expenses (except for intra-family adoptions) under the Adoption Reimbursement Program.

How do I request reimbursement?

Submit a Reimbursement Request for Adoption Expenses (DD Form 2675, September 2006). You can find the 3-page DD 2675 at the Army Publication electronic forms on the Internet. Your servicing personnel office usually should know the types of expenses you are entitled to claim and should assist you with the reimbursement application. Once the application is complete, mail it by certified mail, return receipt requested, to: Defense Finance and Accounting Service, Cleveland Center (Code FMA), 1240 East Ninth Street, Cleveland, OH 44199-2055. Be sure you include proof of what you paid (for example, receipts marked 'PAID,' canceled checks). Soldiers must submit claims for reimbursement no later than one year following the date on which the adoption is finalized. Complete a separate reimbursement request for each child whose adoption has been finalized.

What adoptions qualify for reimbursement?

You can receive reimbursement for adopting a child under 18, foreign adoptions, and adoptions of children with special needs when these adoptions are arranged by a qualified adoption agency. A qualified adoption agency is a state or local government agency that has responsibility under state or local law for child placement through adoption, or a nonprofit, voluntary adoption agency authorized under state or local law to place children for adoption. Intra-family adoption, such as adoption of stepchildren living in the home does not qualify for reimbursement.

What are authorized reimbursable expenses?

Reasonable and necessary expenses include:

- a. Public and private agency fees, including adoptive fees charged by an agency in a foreign country.
- b. Placement fees, including fees charged adoptive parents for counseling.
- c. Legal fees, including court costs, for services that are unavailable to a member of the military services under 10 U.S.C. § 1044 or § 1044a.
- d. Under certain circumstances, some medical expenses for the pre-adoptive child and biological mother.
- e. Temporary foster care charges when payment of such charges is required to be made before the adoptive child's placement.

Where can I get more information?

<http://www.adopting.com/>
<http://www.calib.com/naic/>, (<http://www.calib.com/naic/Toppubs/index.htm>)
(<http://www.calib.com/naic/pubs/index.htm#legal>).
http://travel.state.gov/children's_issues.html#adoption,
<http://www.law.cornell.edu/uniform/vol9.html>,
<http://www.absnw.com/right%5Fto%5Fknow/states.html>
<http://www.peoplespot.com/records/adoption.htm?newslib>

	<u>Camp Casey Legal</u> Maude Hall Rm. 235, 730-3660	
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